

# EXHIBIT B

# ***CONSTITUTION***

**of the  
TRANSPORT WORKERS UNION  
OF AMERICA**



Founded April, 1934

*Chartered by*

Congress of Industrial Organizations

May 14, 1937



This is the complete text of the Constitution as originally adopted at the First National Convention, held October 4-8, 1937; and as amended at the Second Biennial Convention, September 20-23, 1939; at the Third Biennial Convention, September 24-27 1941, at the Fourth Biennial Convention, October 20-23, 1943 at the Fifth Biennial Convention, September 25-28, 1946; at the Sixth Biennial Convention, December 6-9, 1948, at the Seventh Biennial Convention, December 5-9, 1950; at the Eighth Biennial Convention, December 9-13, 1952; at the Ninth Biennial Convention, February 14-19, 1955, at the Tenth Biennial Convention, October 21-25, 1957; at the Eleventh Constitutional Convention October 2-6 1961, at the Twelfth Constitutional Convention October 11-15, 1965; by Direct Membership Referendum, May 10, 1966, at the Thirteenth Constitutional Convention, September 8-12, 1969 by the Fourteenth Constitutional Convention, October 9-12, 1973, by the Fifteenth Constitutional Convention, September 19-23, 1977, by the Sixteenth Constitutional Convention, September 28-October 2, 1981; by the Seventeenth Constitutional Convention, September 23-27, 1985; by the Eighteenth Constitutional Convention. October 2-6, 1989; by the 20th Constitutional Convention, September 29-October 2, 1997; by the 21st Constitutional Convention, October 15-18, 2001, and by the 22nd Constitutional Convention, September 19-22, 2005.

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mittee may charter a new Local Union of the balance at his/her discretion until the Local's indebtedness to the International has been satisfied. Thereafter, the International Secretary-Treasurer shall pay over to the Local the amount periodically received from the employers, less the applicable per capita tax. The International Administrative Committee may restore the payment of the dues and agency shop fees by the employers directly to the Local upon receipt of satisfactory assurances that the Local will meet its per capita obligations as they fall due.

SECTION 3. The International Executive Council shall have the power to relieve a Local Union or its members from the obligations or any of them imposed by this Article where the Council considers such relief necessary or advisable for the good of the Union.

## **ARTICLE XIX.**

### **Discipline**

SECTION 1. A charge by a member or members in good standing that a member or members have violated this Constitution or engaged in conduct unbecoming a member of the Union must be specifically set forth in writing and signed by the member or members making the charge. The charge must state the exact nature of the alleged offense or offenses and, if possible, the period of time during which the offense or offenses allegedly took place. Two (2) or more members may be jointly charged with having par-

ticipated in the same act or acts charged as an offense or with having acted jointly in commission of such an offense and may be jointly tried.

SECTION 2. Charges must be submitted to the Recording Secretary of the Local Union within sixty (60) days of the time the complainant first became aware, or reasonably should have been aware, of the alleged offense, provided, that if the charges are against the Recording Secretary, they shall be submitted to the President of the Local Union, and provided further that charges preferred against one for acts or conduct detrimental to the interest of the Union or its members, committed while he/she was out of the Union on withdrawal card, shall be submitted within sixty (60) days from the time of the deposit of his/her withdrawal card.

SECTION 3. Upon charges being submitted, it is mandatory that a trial be held unless the charges are withdrawn by the accuser or considered by the Local Executive Board to be improper under this Article. Prior to the notification to a member that charges have been filed against him/her, the Local Executive Board shall review the charges and consider them improper if:

(a) The charges do not state the exact nature of the alleged offense as required by SECTION 1 of this Article;

(b) The charges are untimely under SECTION 2 of this Article;

(c) The act complained of does not sustain a charge of a violation of the Constitution or conduct unbecoming a member of the Union;

(d) The charges involve a question which should be decided by the membership at a membership meeting and not by the trial procedure.

If, pursuant to the above, the charges are determined to be improper, the charging member shall be so notified in writing. The Local Executive Board's decision may be appealed to the Committee on Appeals.

SECTION 4. A member against whom charges have been filed may be suspended pending trial from any elective or appointive office or position he/she may hold in his/her Local Union by a two-thirds (2/3) vote of the Local Executive Board.

SECTION 5. The following enumerated acts are set forth as typifying conduct unbecoming a member of the Union. This enumeration shall not be construed to exclude from disciplinary action other forms of unbecoming conduct.

(a) Violation of any of the provisions of this Constitution, any collective bargaining agreement, or working rule of the Local Union;

(b) Obtaining membership through fraudulent means or by misrepresentation;

(c) Maliciously instituting, or urging or advocating that a member of any Local Union institute action in a court against the International Union or any of its officers or against any Local Union, or any of its

officers without first exhausting all remedies through the forms of appeal of the International Union;

(d) Advocating or attempting to bring about the withdrawal or disaffiliation from the International Union of any Local Union or any member or group of members;

(e) Maliciously publishing or circulating among the membership false reports or misrepresentations;

(f) Working in the interest of or accepting membership in any organization dual to the International Union;

(g) Wilfully wronging a member of the International Union;

(h) Using abusive language or disturbing the peace or harmony of any meeting in or around any office or meeting place of the International Union or Local Union;

(i) Fraudulently receiving any money due the organization or misappropriating the monies of the organization;

(j) Charging interest directly or indirectly in excess of the legal rate of interest to fellow employees;

(k) Using the name of the Local Union or of the International Union, or its emblem, for any unauthorized purpose;

(l) Furnishing a complete or partial list of the membership of the International Union or of any Local Union to any person or persons other than those whose official position entitles them to have such a list;

(m) Deliberately interfering with any official of the International Union in the discharge of his/ her duties;

(n) Being a member, consistent supporter of or active participant in the activities of the Communist Party, or of any Fascist, Totalitarian or other subversive organization which opposes the democratic principles to which our Nation and our Union are dedicated;

(o) By act, omission or conduct prejudicing or damaging the interests and welfare of the International Union or of his/her Local Union.

## **ARTICLE XX.**

### **Trial of Members**

SECTION 1. In the event that the Local Executive Board decides that the charges warrant a trial, the Local Executive Board shall elect a Trial Committee of three members in good standing and shall designate a member in good standing to present the charges before the Trial Committee. The members of the Trial Committee shall be selected by the Executive Board specifically for the trial of such charges and no officer or member who is a party or directly interested in such charges shall act as member of the Trial Committee.

SECTION 2. Promptly after the selection of the Trial Committee, the Recording Secretary shall mail a copy of the charge, by registered mail, to the accused member at his/her last known address, together with



a statement containing the names of the Trial Committee and the time and place of the hearing, which shall be not less than one (1) week nor more than four (4) weeks after the mailing of the notice. Such information shall also be given to the member or members who prefer charges.

SECTION 3. The accused may challenge any member of the Trial Committee on the ground that he/she is a party to or directly interested in such charges. The challenge must be made to the Local Executive Board within one (1) week after notification to the accused of the names of the Trial Committee. If the challenge is sustained, the Local Executive Board shall replace the challenged member of the Trial Committee and a new trial date set if necessary to afford the accused reasonable notice.

SECTION 4. The accused shall have the right to be represented before the Trial Committee by any member of the Local Union in good standing. In the event that the accused fails to appear at the hearing at the time and place provided in the notice served upon him/her, and presents no acceptable excuse for absence, the hearing shall proceed with the same force and effect as if he/she were present.

SECTION 5. Within seven (7) days after the conclusion of the hearing, the Trial Committee shall report its findings and recommendations to the Local Recording Secretary.

SECTION 6. The Local Executive Board shall take such action on the report of the Trial Committee as it may deem proper, and, in the event the accused is found guilty of the charges preferred against him/her, shall impose such uniformly applied penalties as in its judgment it may deem fitting and proper and including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding three years.

SECTION 7. If any officer of the Local Union is found guilty of charges preferred against him/ her, the Local Executive Board may remove him/ her from office in addition to any other uniformly applied penalty it may impose including ineligibility to hold any office or appointive position in the Local or International Union for a period not exceeding three years.

SECTION 8. The decision of the Local Executive Board shall be communicated in writing, registered mail, by the Recording Secretary to the accused within seven (7) days after the meeting of the Board.

SECTION 9. A member who has been found guilty of charges preferred against him/her pursuant to this Article shall have the right to appeal to the International Committee on Appeals, provided that he/she files a notice of appeal with the International Secretary-Treasurer within fifteen (15) days after receipt of the decision of the Local Executive Board. The notice of appeal shall consist of:

- (a) a copy of the charges preferred against him/ her;
- (b) a copy of the decision of the Local Executive Board; and
- (c) the appellant's statement of reasons why the decision of the Local Executive Board should be set aside or the penalty modified.

SECTION 10. Any higher body to which an appeal from the decision of the Local Executive Board is made shall have the authority to affirm or reverse the decision, or to modify the decision, or to order a new trial.

SECTION 11. A member who is under suspension from membership, including a temporary suspension pending hearing or trial, shall be required to pay all dues during the period of suspension.

## **ARTICLE XXI.**

### **Suspension of Local Officers**

SECTION 1. Any officer of a Local Union, or of a branch, section, or division thereof, who fails or refuses to adhere to, or carry out, the instructions, directions, or decisions of the Local Executive Board or of the Local Union or of the International Executive Council, or who acts in violation of the Constitution, may be suspended forthwith by the Local Executive Board, or by the International Executive Council.

Within five days of such suspension, the suspended officer shall be given a written statement of the